

## REMARKS

This paper is filed in response to the Office Action mailed April 11, 2008. Claims 1-14 were pending in the application. No claims have been amended, added, or canceled. Therefore, claims 1-14 are still pending in the application and are submitted for reconsideration.

### Request for Telephone Interview

If a final rejection is considered, the Examiner is respectfully requested to contact the undersigned by email to [owend@howrey.com](mailto:owend@howrey.com) in order to schedule a telephone interview.

### Rejection of Claims 1 to 14 under 35 USC 102(e)

Claims 1 to 14 were rejected under 35 USC 102(e) as being anticipated by German publication DE10062606 ('606).

As the Examiner has correctly identified, 35 USC 102(e) can only apply when the invention has been described in an application for a patent filed in the United States. In the present case however '606 appears to be a German patent application.

The Examiner is respectfully requested to reconsider and withdraw the present rejection or otherwise provide details of how '606 fulfils the requirements of 35 USC 102(e).

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### Extension of Time

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested.

### Authorization to Charge Fees

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

### Authorization to Communicate via email

Pursuant to MPEP 502.03, authorization is hereby given to the USPTO to communicate with Applicant's representative concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be

made of record in the application file. Applicant's representative, David P. Owen, can be reached at email address [owend@howrey.com](mailto:owend@howrey.com).

The Examiner may also contact the undersigned by telephone at the number given below in order to resolve any questions (note, this telephone number is an Amsterdam phone number, Amsterdam time is 6 hours ahead of US east coast time).

Respectfully submitted,

/david p owen/

David P. Owen  
Reg. No. 43,344

Date: 21 September 2009

**Customer No. 32,894**  
Howrey LLP  
2941 Fairview Park Drive, Suite 200  
Falls Church, VA 22042  
Fax: 202 383-7195  
Tel: 9-011-31-20-592-4411